

REMARKS

Applicants respectfully request that the present Amendment be entered into the Official File in view of the fact that the Amendment automatically places the application in condition for allowance. In the alternative, if the Examiner continues with the rejections of the present application, it is respectfully requested that the present Amendment be entered for purposes of an Appeal.

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

Status of the Claims

In the present Reply, claim 20 has been amended. Previously, claims 1-16, 18-19, 21 and 27 were canceled. Also, claims 17, 22, 23 and 26 are allowed. Thus, claims 17, 20 and 22-26 are pending in the present application.

No new matter has been added by way of the amendment to claim 1 since subject matter is actually being deleted. Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Office Action of September 21, 2005: Issues Under 35 U.S.C. § 103(a)

Claims 20, 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rucker ("Mint oil reduces headaches," XP001157330 & Pharmazeutische Zeitung, Vol. 141, No.

22, page 42 (Abstract) (1996)) in view of Hipkind '760 (U.S. Patent 5,792,760) (new rejection; as cited in paragraph 1), pages 2-3 of the Office Action). Also, claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rucker in view of Hipkind '760, the combination being taken further in view of Deans et al. '370 (U.S. Patent No. 5,858,370). Applicants respectfully traverse, and reconsideration and withdrawal of this rejection are respectfully requested.

It is believed that this rejection has been overcome with the previous Amendment filed by Applicants on December 8, 2005.

Advisory Action of January 19, 2006

The Advisory Action of January 19, 2006 states that a possible rejection against claim 20 may be formed in view of U.S. Patent No. 6,582,736. In this regard, the priority date of the '736 patent is not before the priority date of this application. To perfect priority of this application, Applicants herein attach a verified or certified copy of the English language translation of PCT Applic. No. PCT/JP99/07008, filed on December 14, 1999 (as requested by the Examiner in the Advisory Action). Thus, it is believed that formation of any rejection citing the '736 patent would be overcome based on priority of the present application.

Conclusion

Thus, Applicants respectfully submit that all issues as stated in the Office Action and Advisory Action are sufficiently addressed. Reconsideration and allowance of all pending claims are respectfully requested.

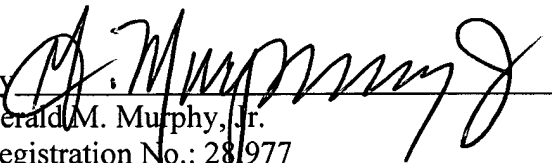
A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, *or for any other reason*, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: _____

Respectfully submitted,

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